

AO 245B (CASD) (Rev. 12/11) Judgment in a Criminal Case  
Sheet 1

**FILED**

FEB 22 2012

CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY  DEPUTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v.

AVIVA BETECH (4)

**JUDGMENT IN A CRIMINAL CASE**

(For Offenses Committed On or After November 1, 1987)

Case Number: 08CR2387-W

Frank T Vecchione

Defendant's Attorney

REGISTRATION NO. 10017298

☐

THE DEFENDANT:

☒ pleaded guilty to count(s) One of the Indictment☐

was found guilty on count(s) \_\_\_\_\_

after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Count Number(s)</u>
18 USC 1349	CONSPIRACY TO COMMIT WIRE FRAUD	1

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) \_\_\_\_\_

☒ Count(s) remaining is ☒ are ☐ dismissed on the motion of the United States.

☒ Assessment: \$100.00

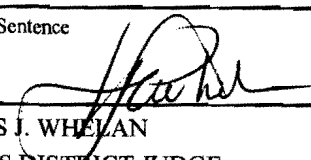
☒ Fine waived

☐ Forfeiture pursuant to order filed \_\_\_\_\_, included herein.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States Attorney of any material change in the defendant's economic circumstances.

FEBRUARY 17, 2012

Date of Imposition of Sentence

  
HON. THOMAS J. WHELAN  
UNITED STATES DISTRICT JUDGE

08CR2387-W

DEFENDANT: AVIVA BETECH (4)

CASE NUMBER: 08CR2387-W

**PROBATION**

The defendant is hereby sentenced to probation for a term of :

**THREE (3) YEARS**

The defendant shall not commit another federal, state, or local crime.

*For offenses committed on or after September 13, 1994:*

The defendant shall not illegally possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter as determined by the court. Testing requirements will not exceed submission of more than 8 drug tests per month during the term of supervision, unless otherwise ordered by court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ☒ The defendant shall cooperate in the collection of a DNA sample from the defendant, pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000, pursuant to 18 USC sections 3563(a)(7) and 3583(d).
- ☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. (Check if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution obligation, it is a condition of probation that the defendant pay any such fine or restitution in accordance with the Schedule of Payments sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the special conditions imposed.

**STANDARD CONDITIONS OF SUPERVISION**

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: AVIVA BETECH (4)

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**SPECIAL CONDITIONS OF SUPERVISION**

- ☒ Submit person, residence, office or vehicle to a search, conducted by a United States Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
- ☐ If deported, excluded, or allowed to voluntarily return to country of origin, not reenter the United States illegally and report to the probation officer within 24 hours of any reentry to the United States; supervision waived upon deportation, exclusion or voluntary departure.
- ☐ Not transport, harbor, or assist undocumented aliens.
- ☐ Not associate with undocumented aliens or alien smugglers.
- ☒ Not engage in the employment or profession of real estate or real estate financing.
- ☐ Not enter the Republic of Mexico without written permission of the Court or probation officer.
- ☒ Report all vehicles owned or operated, or in which you have an interest, to the probation officer.
- ☐ Not possess any narcotic drug or controlled substance without a lawful medical prescription.
- ☐ Not associate with known users of, smugglers of, or dealers in narcotics, controlled substances, or dangerous drugs in any form.
- ☐ Participate in a program of mental health treatment as directed by the probation officer, take all medications as prescribed by a psychiatrist/physician, and not discontinue any medication without permission. The Court authorizes the release of the presentence report and available psychological evaluations to the mental health provider, as approved by the probation officer. Allow for reciprocal release of information between the probation officer and the treatment provider. May be required to contribute to the costs of services rendered in an amount to be determined by the probation officer, based on the defendant's ability to pay.
- ☐ Take no medication containing a controlled substance without valid medical prescription, and provide proof of prescription to the probation officer, if directed.
- ☒ Provide complete disclosure of personal and business financial records to the probation officer as requested.
- ☐ Be prohibited from opening checking accounts or incurring new credit charges or opening additional lines of credit without approval of the probation officer.
- ☐ Seek and maintain full time employment and/or schooling or a combination of both.
- ☐ Resolve all outstanding warrants within                days.
- ☐ Complete                hours of community service in a program approved by the probation officer within
- ☐ Reside in a Residential Reentry Center (RRC) as directed by the probation officer for a period of
- ☐ Participate in a program of drug or alcohol abuse treatment, including urinalysis or sweat patch testing and counseling, as directed by the probation officer. Allow for reciprocal release of information between the probation officer and the treatment provider. May be required to contribute to the costs of services rendered in an amount to be determined by the probation officer, based on the defendant's ability to pay.
- ☒ Notify the Collections Unit, United States Attorney's Office, of any interest in property obtained, directly or indirectly, including any interest obtained under any other name, entity, including a trust, partnership or corporation, until fine or restitution is paid in full.
- ☒ Notify the Collections Unit, United States Attorney's Office, before transferring any interest in any property owned directly or indirectly by her, including any interest held or owned under any other name or entity, including trusts, partnerships, or corporations, until fine or restitution is paid in full.

## AO 245 S RESTITUTION, FORFEITURE, OR OTHER PROVISIONS OF THE JUDGMENT

DEFENDANT: Aviva Betech(4)  
CASE NUMBER: 08CR2387-W

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**RESTITUTION**

IT IS SO ORDERED the defendant shall pay restitution, jointly and severally with co-defendants Abner Betech(2) and Said Betech(3) in the amount of \$5,321,250.00, through the Clerk, U.S. District Court, to the victims listed below in the amounts specified, payable forthwith or during the period of supervision. Distribution of restitution to the victims is to be pro rata basis.(interest waived)

	Lender	Address	Minimum Loss
1	First Franklin	877 Island Avenue, #602 San Diego, California	\$509,000
2	First Franklin	1642 7th Avenue, #221 San Diego, California	\$310,000
3	First Franklin	1205 Pacific Highway, #202 San Diego, California	\$210,000
4	New Century	1283 China Sea Salton Sea, California	\$70,000
5	First Franklin	1009 Hawthorne Creek Drive San Diego, California	\$800,000
6	First Franklin	14444 Rock Rose San Diego, California	\$460,000
7	New Century	425 West Beech Street, #421 San Diego, California	\$165,000
8	Fremont	4553 Monroe Street San Diego, California	\$300,000
9	First Franklin	1205 Pacific Highway, #606 San Diego, California	\$365,000
10	Fremont	425 West Beech Street, #438 San Diego, California	\$259,000
11	Valley Vista	555 Front Street, #1904 San Diego, California	No Loss Yet
12	New Century	702 Ash Street, #304 San Diego, California	\$404,750
13	Fremont	300 West Beech Street, #205 San Diego, California	\$147,500
14	First Franklin	850 West Beech Street, #1803 San Diego, California	\$400,000
15	Mortgage It	7405 Charmant Drive, #2215 San Diego, California	No Loss Yet
16	First Franklin	7405 Charmant Drive, #2213 San Diego, California	No Loss Yet
17	Fremont	2035 Harmony Way Vista, California	\$5,500
18	Fremont	4125 Jamul Avenue San Diego, California	\$335,000
19	Argent	3302 K Street San Diego, California	\$369,000
20	First Franklin	300 West Beech Street, #1308 San Diego, California	\$211,500
21	New Century	2684 Deerpark Drive San Diego, California	No Loss Yet